

MT LEGISLATIVE HISTORY

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Chapter 766 1989

Bill (H) 346 S _____ Original bill & hist. ___ C

H. Committee on Education & Cultural Resources S. Committee on Education & Cultural Resources

Hearing Date(s) Feb 03 ✓ C

Hearing Date(s) Mar 03 ✓ C

Feb 08 ✓ C

Mar 10 ✓ C

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Date Out Feb 09 ✓ C

Mar 13 ✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____

Report _____

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on February 3, 1989, at
2:30 p.m.

ROLL CALL

Members Present: All with the exceptions of:

Members Excused: Reps. Fred Thomas and Norm Wallin

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: Chairman Schye announced to the Committee that the House Select Committee on Education had met on February 2, 1989 and upon request Andrea Merrill drafted the minutes of the meeting. (EXHIBIT 1.) He stated members of the Committee on Education and Cultural Resources could benefit from getting a copy of these minutes and reviewing the contents.

Chairman Schye also announced to the Committee that HB 324, Rep. Davis, would be rescheduled at a later date.

Rep. Glaser said he had been working with Speaker John Vincent in regard to HB 400 and that they had drafted amendments to the bill dealing specifically with class and district size. Chairman Schye appointed a sub-committee with Rep. Kilpatrick as Chairman, and Reps. Glaser, Johnson and Spring members to review HB 400 and the proposed amendments and report back to the Committee.

Rep. Kilpatrick stated the beauty of HB 400 is the involvement of the students in the fund raising process. He stressed that the students should not be underestimated in what they may accomplish on their end of the scheme.

HEARING ON 346

Presentation and Opening Statement by Sponsor:

Rep. Jim Rice, District 43, Helena stated the purpose of HB 346 was to give school districts the option of declaring school buildings to be smoke-free areas. He said that the

1979 Montana Indoor Clean Air Act passed by the Legislature allowed for the establishment of smoking and non-smoking areas in all public buildings. The 1985 Legislature amended that act and added a new section which required all government buildings to establish both non-smoking and smoking areas. The purpose of HB 346 would be to exempt school buildings from the government building addition to the law and to allow school districts at their option to declare a no smoking policy for specific school buildings.

Rep. Rice explained further there is no sense in the State of Montana putting money and effort into educating children on the dangers of smoking if they can walk out the door of the classroom and see someone doing just that. He stressed the fact this is an educational issue and that nothing in the bill would mandate a school district to exclude smoking unless they wished to do so.

Rep. Rice closed his opening comments by saying this is a local control issue removing obstacles from local school boards dealing with this issue. He asked for the support of the Committee and said there would be amendments offered that he would support.

Testifying Proponents and Who They Represent:

Bruce Moerer, Montana School Boards Association (MSBA)
Jack Cops, Office of Public Instruction (OPI)
Jesse Long, School Administrators of Montana (SAM)
Jane DeLong, Private Citizen and Parent, Helena
Rosetta Kamlowky, American Cancer Society
Toni Jensen, Coordinator, Rocky Mountain Tobacco Free Challenge
Mary Kay Hansen, Rocky Mountain Tobacco Free Challenge
Jeri Lou Domme, Montana Association for Health, Physical
Education and Recreation Dance
Earl Thomas, Director, American Lung Association of Montana
Eric Feaver, Montana Education Association (MEA)
J. Henry Badt, Montana School Association of County
Superintendents

Proponent Testimony:

Bruce Moerer said HB 346 is the result of numerous requests from school districts and teachers throughout the State of Montana. He said this would allow for the removal of inconsistency in teaching school children the evils of drugs, alcohol and tobacco and then allowing the use of tobacco in the same buildings in which they are taught. He continued that this would not mandate that any particular

school district declare a particular building to be tobacco free but would merely leave the decision up to locally elected boards of trustees to decide. It would also allow the local school districts to take into account the individual needs of their particular districts in that they may have some buildings which are tobacco free and others which are not.

Mr. Moerer said he has received requests from districts wishing to also prohibit smoking by the public in the hallways and restrooms before and after public events such as basketball games, plays and concerts. The MSBA has had to advise these districts that because of the ambiguities in the Montana Clean Indoor Air they could not legally do so. There has been voluntary community support in some cases but way to enforce the policy.

Jack Copps stood in support of HB 346 with suggested amendments to the proposed legislation. (EXHIBIT 2.)

Jane DeLong, (EXHIBIT 3.)

Rosetta Kamlowsky, (EXHIBIT 4.)

Toni Jensen, (EXHIBIT 5.)

Mary Kay Hansen, (EXHIBIT 6.)

Jeri Lou Domme, (EXHIBIT 7.)

Earl Thomas said HB 346 needs to be passed in order to give schools the option to be tobacco free if they choose to be so. Mr. Thomas stated that a coalition made up of the American Lung Association, American Heart Association and American Cancer Society started a program last year of Montana Tobacco Free Schools to recognize those schools making special effort to provide a tobacco free atmosphere for school children.

Eric Feaver said HB 346 is a good bill as amended by the OPI. He stressed the fact that not only teachers would be affected by this legislation but also school superintendents, building principals, custodians, cooks and all who work for school districts. He said if teachers are looked upon as role models within the schools so must all persons employed in the district.

Jesse Long said at the October convention of the SAM there was a unanimous vote for a smoke free convention and based on this SAM supports HB 346 as an optional piece of legislation. Mr. Long continued that there is overwhelming evidence that a variety of health problems directly result from smoking.

J. Henry Badt stood in support of HB 346 and agreed with previous

testimony.

Testifying Opponents and Who They Represent:

Jerome Anderson, Attorney, Tobacco Institute
Tom Maddox, Association of Family Independent Distributors of
Tobacco Products and Candy
John Delano, Philip Morris

Opponent Testimony:

Jerome Anderson, (EXHIBIT 8.)

Tom Maddox said the present law treats adults as adults capable of making their own judgments. He said the public schools in Montana are in need of good teachers and in some cases find it difficult to fill positions within school systems. This legislation if passed would put out the message Montana needs teachers but a teacher who smokes need not apply. Mr. Maddox said retention of good teachers should be of primary importance and to lose one because of tobacco would be tragic.

He said in many cases revenue to the schools comes from renting gymnasiums and other school buildings for adult activities such as sports events, flea markets or other community efforts which develop money for good causes. This bill would regiment the taxpayer to a point where they would be discouraged to participate in these community events.

John Delano said he has received calls from many taxpayers who support the schools through sporting events, PTA, concerts and other school related activities that think it unreasonable to prohibit them from using a tobacco product in a designated area during the activity.

Questions From Committee Members: Rep. Daily asked Bruce Moerer how many teachers or districts asked for this bill to be introduced and Mr. Moerer replied approximately a half dozen. He stressed many teachers wanted to designate their lounges as non-smoking areas also.

Rep. Daily asked Toni Jensen if her organization has a Federal

Grant and if she knew how many other states have a similar program. Ms. Jensen said the Department of Health does receive Federal Grant monies and that she knew of at least eight western states that have similar programs.

Rep. Spring asked Jerome Anderson if he knew of anyone who benefited from smoking and he said he himself had been told by his doctor during his smoking years not to stop

because it was a relaxant. This particular doctor was not a smoker himself added Mr. Anderson.

Rep. Eudaily asked Jack Copps if this legislation even with the proposed amendment leaves some schools in a negotiating position with teachers as to whether they will have designated smoking areas. Mr. Copps replied that this would cause a change in working conditions that would necessitate communication between bargaining units and the districts prior to implementation of the program. He also said there may be opportunity for districts with multiple facilities to assign non-smokers to one facility and smokers to another.

Rep. Eudaily then continued by asking Mr. Copps if he felt it possible if this legislation passed there would be no schools in the State of Montana with smoking areas. Mr. Copps answered if that were to happen it would do so over an extended period of time. He said the concern at this time is for those districts who would like to be tobacco free and the current statutes do not allow that to occur.

Rep. Zook asked Jack Copps if chewing tobacco was considered the same as smoking tobacco and he said yes. Rep. Zook also asked if the heading was misleading and Mr. Copps answered no that the proposed amendment stated a facility would be designated tobacco free and would go beyond smoking.

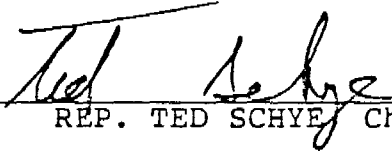
Rep. Johnson asked Bruce Moerer if this means a school that has a basketball game cannot designate an area adjacent to the gym or its ticket area as a smoking area. Mr. Moerer answered that at present requests have been made by districts that would like to prohibit smoking completely in the building. However, Mr. Moerer continued if a board decided to provide a smoking area this legislation would not prohibit its establishment.

Closing by Sponsor: Rep. Rice thanked the Committee for the hearing and said the lesson of words would not have much impact if actions do not follow. He said students must not only be taught through words but by example. He said there are many collective bargaining units around the country who specifically agree if teachers want to smoke they should leave the premises. This bill would clarify the rights we have to regulate smoking not in only governmental buildings but in the buildings our young people are educated in.

Rep. Rice also submitted written testimony from the Montana Public Health Association (EXHIBIT 9.)

ADJOURNMENT

Adjournment At: 5:30 p.m.



REP. TED SCHYE Chairman

TS/dlm

2904.min

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE February 3, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chairman	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Ralph Eudaily	✓		
Rep. Floyd Gervais	✓		
Rep. Bill Glaser	✓		
Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Spring, Jr.	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Fred Thomas			✓
Rep. Norm Wallin			✓
Rep. Diana Wyatt	✓		
Rep. Tom Zook	✓		

EXHIBIT # 2
DATE 2-3-89
HB 346

PROPOSED AMENDMENT - HB346

By Jack Copps, Deputy Superintendent
Office of Public Instruction
February 6, 1989

Existing Language

Section 1. Page 1, lines 15 and 16

"...except a school district, in which seven or more
employees of the state or..."

Proposed Language

"...except a school facility designated as tobacco-free
by a local Board of Trustees, in which seven or more
employees of the state or..."

Existing Language

Section 2 (4). Page 2, line 2.

"(4) school district buildings and facilities."

Proposed Language

"(4) school district buildings and facilities designated
as tobacco-free by a local Board of Trustees."

2/3/89

MR. CHAIRMAN AND MEMBERS OF THIS COMMITTEE:

1 I AM JANE DeLONG. I AM HERE TODAY TO SPEAK IN FAVOR OF
HB346.

2 AS THE MOTHER OF A CHILD WITH SEVERE ALLERGIES AND ASTHMA, I
AM ACUTELY AWARE OF HOW IMPORTANT A NON-POLLUTED ENVIRONMENT
IS TO THE HEALTH OF MY CHILD.

3 AMBIENT SMOKE CAN BE DANGEROUS TO NON-SMOKERS
HEALTH--PARTICULARLY IN CHILDREN. SINCE THEY ARE TOO YOUNG
TO SPEAK ON THEIR OWN BEHALF--OUR CHILDREN NEED YOUR
HELP--HELP TO PERMIT THEM TO BREATHE AIR NOT CONTAMINATED BY
TOBACCO SMOKE.

5 I BELIEVE THAT THIS PIECE OF LEGISLATION CAN DO A LOT TO
HELP CHILDREN SUCH AS MY DAUGHTER. THEREFORE I ENCOURAGE
YOU TO SUPPORT HB346. PROTECTING SCHOOL AGE CHILDREN FROM
EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE IS A RESPONSIBILITY
SHARED BY ALL.

4 MY DAUGHTER IS CURRENTLY IN A TOBACCO FREE SCHOOL. PREVIOUS
TO THAT TIME SHE WOULD COMPLAIN THAT SHE COULD HARDLY WALK
PAST THE TEACHERS LOUNGE WITHOUT EXPERIENCING BREATHING
DIFFICULTY. ALSO SHE WOULD COMPLAIN ABOUT THE TEACHERS WHO
HAD JUST COME FROM THE LOUNGE, THAT THEY WERE HARD TO BE
AROUND, BECAUSE THEIR SMELL OF SMOKE WAS VERY IRRITATING TO
HER LUNGS. SHE NOW APPRECIATES HER SMOKE FREE SCHOOL AND
WOULD LIKE OTHERS TO EXPERIENCE HER SAME FREEDOM TO BREATHE
WITHOUT DIFFICULTY.

WITNESS STATEMENT

EXHIBIT #4
DATE 2-3-89
HB 346NAME Rosetta Samlauskas BILL NO. 346
ADDRESS 919 Stuart DATE 2-2-89
WHOM DO YOU REPRESENT? American Society
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Smoking remains The number 1 Preventable
Cause of death in the U.S., killing 390,000
People Annually.

Every Surgeon General ^{for the past 25 years} has come to the same
Conclusion that Smoking is a Major Cause of
Premature death & disease in the U.S.

Each day 3,000 American Teens Start Smoking
based on data from the National Health Interview
Survey.

Schools ~~are~~ are for learning. Kids can learn to
to smoke in school. ~~which~~ Smoking endangers their
life. Lets not let it happen.

TESTIMONY ON HOUSE BILL # 346

Mr. Chairman and members of this committee. I am Toni Jensen, coordinator of the Rocky Mountain Tobacco Free Challenge, a federally funded program operated by the State Department of Health and Environmental Sciences. I am here today to speak on behalf of HB 346. HB346 treats the use of tobacco as it should be considered, as a health and safety issue. I believe that all children deserve the right to be educated in a smoke-free environment. As role models for our next generation of adults, we must take a stand and give a strong message to youth about positive health responsibility. With the current increasing interest in health education in our schools, the time is right to take legislative action. I believe we should strive for nothing short of total prohibition of smoking, particularly in light of increasing evidence to suggest that environmental tobacco smoke can bring about disease in healthy adults and children. With the support of HB346 we will no longer have to allow such a clear and easily preventable public health hazzard to continue to exist in our schools.

WITNESS STATEMENT

EXHIBIT #6
DATE 2-3-89
HB 346NAME MARY KAY HANSEN BILL NO. 346
ADDRESS 2200 VILLARD AVENUE DATE 2-3-89
WHOM DO YOU REPRESENT? ~~US WEST~~ - Rocky mtn. States Tobacco Free
SUPPORT V OPPOSE _____ AMEND Challeng

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I think that it is important for all businesses to have the option of declaring a smoke free area. With the trend, nationally, going toward providing more smoke free areas I feel it would be very near sighted to permit this restriction to remain in place.

At US West we recently implemented a no-smoke policy which prohibits smoking in any of our buildings. With more focus on the health effects of ambient or side-stream smoke it became impossible to ignore the problem as it related to the health of our employees. We also realized that precedence is being set which requires and enforces the responsibility which employers (school systems) have toward their employees. That is that they need to and are expected to provide a safe + healthy working environment for their employees. It is impossible to fulfill that responsibility in an environment which does not allow for clean air, and businesses

the rights of the employee are upheld.

This bill only provides for the options to be expanded. It in no way will diminish the ability of smokers to smoke. I therefore strongly support this bill. (HB 346)

- Mary Kay Hansen

EXHIBIT # 7
DATE 2-3-89
HB 346

WITNESS STATEMENT

NAME Jeri Lou Dommie BILL NO. 346
ADDRESS 1531 Leslie, Helena DATE 2/4/89
WHOM DO YOU REPRESENT? Mont. Assoc. for Health, Physical Educ., Recreation
SUPPORT ✓ OPPOSE _____ AMEND _____
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As President of an association that deals with the education of our youth, we must practice what we say and have a smoke-free environment. Being a ~~proper~~ role model gives us credibility in what we teach. With all the health statistics dealing with 2nd hand smoke, our youth deserve to be educated in a smoke-free environment. HB. 346 gives the school the right to have this

Comments by Jerome Anderson of the Tobacco Institute
in opposition to H.B. 346 -

H.B. 346 -

EXHIBIT #8

DATE 2-3-89

HB 346

Now that
you have been
accused of dealing
by the proposition
over "Ambiguity".
Let me say that
statistically the
proposition is not
supported. Even the
majority of your
opponents of several years
ago on ambient
air pollution has not
been statistically
supported.
#1 possible
caveat

1. - The Montana Clean Indoor Air Act as it
now stands has been cited by Time
Magazine, Newsweek, U.S. News and others
as being one of the most restrictive in
the U.S.

2. - The present act as it relates to all "enclosed
public" places other than state buildings
allows a measure of freedom of choice by
providing for designated smoking ~~areas~~ and
non-smoking areas.

The consumer has the capability of
choosing what establishment he chooses
to use depending on how the smoking ^{non-smoking} areas
are set up.

3. - Certain public places such as elevators, museums,
hotels & libraries are to be designated as
no smoking.

4. - Exemptions include taverns and bars, restaurants,
& vehicles or rooms catering to a few
people.

5. - The statute as amended provides that
state, county, school etc. buildings
in which 2 or more are employed
must have smoking & non-smoking
areas provided in government places.

6. - State etc. employees are thus allowed the
same freedom of choice as to the
general public.

The only reason school districts want this is to
impose a ban -

They want
to mean you
to death in
ambient air
senses -
off dead people
in conditions
in air to cause
feverishness
not good

7. This Bill makes several class citizens out of
school teachers and members of the public
attending school functions who smoke.
The estimate they are 190,000 to 200,000
smokers in NY.

Significant part of the pop.

8. The report Sen. Watkins told SB 246 which
relates to smoking etc by people under 18 -
Over 18 should have freedom of choice.

9. Why should those who smoke have to leave
not only the building but also the grounds
and stand outside during their lunch break
and rest breaks in order to relax.

10. Not hard to designate a smoking area -
they violate the spirit of the act and
it's not reasonable.

Have exp. ^{clients} management in collective bargaining for 35 years =

11. If not done no doubt will become one more
of collective bargaining in New York as it
has elsewhere. ~~But~~ The bill affects a
personal right of an individual employee and
I suggest the employees will want to protect
that right ^{and} they determine what
is happening within

in ch.
any one of
during prod.
must prod.
Act. works on
school land
festivals can
schools
parties on 12 -
grounds

Enough is Enough - People in NY voted
down a smoking ban initiative
63-37%

What
Have exp. T. Pauling
since 1971 - It stated
violation of civil right
of tobacco users

National poll shows that people
generally feel the tobacco question
has made the national govt and
has been adequately addressed
Vote no

Testimony Before the House Committee on Education

February 3, 1989

HB 346

On behalf of the Montana Public Health Association, I wish to register our support for HB 346. I am Robert W. Moon, President-Elect of MPHA.

Just about everyone agrees - even smokers - that the use of tobacco is damaging to one's health. Smoking is responsible for more than one of every six deaths in Montana.¹ Smoking remains the single most important preventable cause of death. The scientific evidence is strong that use of smokeless tobacco can cause cancer in humans.² Additionally, tobacco-related health care costs to the State of Montana amount to an estimated \$65 million annually. It is a small wonder why the Montana Public Health Association, whose mission is....to help improve and protect the health of the people...would support such a measure.

Since school plays a dominant role in the life of children and adolescents, the creation of a school environment that discourages tobacco use and promotes healthy behavior is invaluable. Additionally, the benefits to school staff and the community could be substantial.

Given all the evidence - both scientific and anecdotal - the Montana Public Health Association feels that schools can no longer afford to wait any longer. For the sake of better business and the health of staff and students, it's time to support proposed laws, such as HB346, that state "Tobacco Free or No Smoking"!

1. A Report of the Surgeon General, 1989 "Reducing the Health Consequences of Smoking: 25 Years of Progress", US Dept. of Health and Human Services.
2. A Report of the Surgeon General, 1986 "The Health Consequences of Using Smokeless Tobacco", US Dept. of Health and Human Services.
3. Morbidity and Mortality Weekly Report, Nov. 18, 1988. "State Specific Estimates of Smoking-Related Attributable Mortality and Years Potential Life Lost - US, 1985. US Dept. of Health and Human Services.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 346

DATE February 3, 1989

SPONSOR Rice

NAME (please print)	REPRESENTING	SUPPORT	OPPOS
Jeri Domme	Montana Association for Health, Physical Educ., Rec. & Dance	✓	
Gorette Kamlowitz	Am. Cancer Society	✓	
Jon Jensen	Rocky Mtn. Tobacco Free State	✓	
Carl K. Hopper	ALA A Montana American Lung Assn	✓	
Gen. B. H.	MACSS		
Lani Dolans	personal	✓	
Tom Maddox	MT Assn. of Tobacco & Candy Distributors		X
Joe W. Long	S.A.M.	✓	
Frank Capps	OPZ	✓	
Norme Hudson	Tobacco Fund	✓	✓
JOHN DELANO	Philip Morris		✓
Eri Flewer	Mt. A	✓	
Mary Hansen	Rocky Mtn. Tobacco Free State	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT F

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Amendments, Discussion, and Votes: Rep. Zook moved to amend HB 335 and motion CARRIED upon unanimous voice vote.

Recommendation and Vote: Rep. Phillips made the motion that HB 335 DO PASS AS AMENDED. Motion CARRIED upon unanimous voice vote.

DISPOSITION OF HB 400

Motion: Rep. Darko made the motion that HB 400 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Kilpatrick made the motion to amend HB 400. Motion CARRIED on Amendment #1 with Reps. Eudaily, Phillips and Stang voting no. Motion CARRIED on Amendment #2 with Rep. Simpkins voting no. Motion CARRIED on Amendment #3 by unanimous vote. (See Standing Committee Report)

Recommendation and Vote: Rep. Darko made the motion that HB 400 DO PASS AS AMENDED. Motion CARRIED with Reps. Eudaily, Phillips, Thomas, Simpkins, Stang, and Zook voting no.

DISPOSITION OF HB 432

Motion: Rep. Eudaily made the motion that HB 432 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED with Reps. Phillips and Simpkins voting no.

DISPOSITION OF HB 311

Motion: Rep. Eudaily made the motion to TABLE HB 311.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion to TABLE HB 311 CARRIED with Reps. Cocchiarella, Darko, Kilpatrick, Schye, Stang, Thomas and Wyatt voting no.

DISPOSITION OF HB 346

Motion: Rep. Stang made the motion that HB 346 DO NOT PASS. Rep. Darko made the substitute motion that HB 346 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Stang made the motion to amend HB 346 and the motion FAILED with Reps. Cocchiarella,

Darko, Davis, Gervais, Johnson, Kilpatrick, Schye, Spring, Thomas and Wyatt voting no.

Recommendation and Vote: Roll call vote taken on the substitute motion 11 Yes, 9 No with Reps. Daily, Harrington, Stang, Wyatt, Eudaily, Nelson, Phillips, Simpkins and Zook voting no. Motion CARRIED that HB 346 DO PASS.

DISPOSITION OF HB 20

Motion: Rep. Harrington made the motion that HB 20 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Eudaily made the motion to amend HB 20 and motion CARRIED with Reps. Davis, Nelson, Phillips, Simpkins, Spring, Thomas and Wallin voting no.

Rep. Thomas said it appeared most of the schools not offering a kindergarten program were the small rural schools and in these schools students are afforded more quality teaching time due to the low school populations. He said having a kindergarten program in these schools would not be of any benefit since these students are progressing faster than those in kindergarten programs in larger schools anyway.

Rep. Zook agreed with Rep. Thomas as to the small rural schools without kindergarten programs having their students easily ahead of those in larger schools due to the extra time these students have with their teacher.

Rep. Glaser asked Andrea Merrill if in light of the current Supreme Court decision and the constitutionality of equal opportunity since 90%+ of students in the State of Montana are afforded a kindergarten opportunity could there be a problem. Ms. Merrill replied yes she believed so.

Recommendation and Vote: Rep. Darko made the motion that HB 20 DO PASS AS AMENDED. Motion CARRIED by Roll Call Vote of 12 Yes, 8 No. Those voting no were Reps. Davis, Stang, Phillips, Simpkins, Spring, Thomas, Wallin, and Zook.

ADJOURNMENT

Adjournment At: 7:00 p.m



REP. TED SCHYE, Chairman

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES

COMMITTEE

DATE February 8, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chairman	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Ralph Eudaily	✓		
Rep. Floyd Gervais	✓		
Rep. Bill Glaser	✓		
Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Spring, Jr.	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Fred Thomas	✓		
Rep. Norm Wallin	✓		
Rep. Diana Wyatt	✓		
Rep. Tom Zook	✓		

STANDING COMMITTEE REPORT

February 9, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 346 (first reading copy -- white) do pass .

Signed: _____
Ted Schye, Chairman

HEARING ON HB 346

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JIM RICE, House District #43, stated that the purpose of this bill was to give school districts the option and the important issue is that this gives school districts the option to declare school buildings to be tobacco free areas. In other words to give them the option of whether smoking is allowed on the grounds.

He emphasized "the option" because ten other states and the District of Columbia, have prohibited outright any smoking on school grounds and this bill does not do this nor does he want it to. He said that this is a local option bill. It does this by amending the Montana Clean Indoor Air Act, a section of which is amended by HB 436.

He pointed out that in 1979 the Clean Indoor Air Act was passed which allowed for the establishment of non smoking area in buildings. In 1985, a second part of this bill was passed which was the section that mandated that government buildings would have both non smoking and smoking areas. This bill would exempt the school districts from the requirement that government buildings must mandate both smoking and non smoking areas.

He stated that he had an amendment (See Exhibit #1) which he said he would like to see attached to the bill. As the bill was originally written it would leave open the possibility that we could go back to the days before 1979 where there would be no non smoking areas. The school districts could declare it all smoking. What is wanted is to give the option to those school districts who decide to have a tobacco free area, give them the option of going ahead and prohibiting smoking.

Rep. Rice continued by saying that they feel this is an educational issue. A lot of time and money have been spent in this state to teach our students not to smoke and the harmful effects of smoking and yet they can walk outside the classroom door into the hall way and see someone smoking. This is not prohibited in Montana, so he thinks this is a very important reason why school districts should be made an exception to this particular statute. He said he thought it went a long way to also clarify the situation. He said he found that after he introduced this bill, some school buildings around the state have already prohibited smoking.

He said he grew up in the town of Glasgow and he heard there is no smoking in the Glasgow Schools. This is part of the

problem. There have been a number of people inquiring whether or not as part of their collective bargaining arrangement they can put this issue on the table and bargain away the right to smoke. A lot of school districts around the country are doing this. The way the statute is now written this may not be something that they would do and to this extent it is a clarification.

He concluded by saying that this is the only vehicle left by which a statement can be made in regard to this particular issue.

List of Testifying Proponents and What Group they Represent:

JACK COPPS, The Office Of Public Instruction
BRUCE MOERER, The Montana School Boards Association
MIGNON WATERMAN, School Trustee for the Helena Schools
KAREN LANDERS MD, The Montana Council for Maternal &
Child Health
ROSETTA KAMLOWSKY, The American Cancer Society
TONI JENSON, The Rocky Mountain Tobacco Free Challenge
ERIC FEAVER, The Montana Education Association
EARL THOMAS, Director of the American Lung Association
MARY HANSEN, Chairman of The Rocky Mountain Tobacco
Free Challenge

Testimony:

JACK COPPS, of the OPI, stated that they support HB 346 because they believe that it is natural that educational institutions which educate our young people should have the opportunity to proudly display the fact that they are tobacco free. He said he would call this "education by example" and this is the reason OPI is in support of HB 346. He urged the committee's support of the bill and the amendment.

BRUCE MOERER, of the MSBA, stated that Rep. Rice is carrying this bill for the MSBA after it came through the resolutions process and was voted on at the annual convention in October in Billings. The amendment is rather technical in nature and it was meant to prohibit a situation where a school district could consolidate a smoking teacher's lounge and a non smoking teacher's lounge, then elect not to be a non smoking lounge. This is merely intended to allow them to be tobacco free if they want to combine the two lounges. What this amndment does is to take care of this situation and not allow it.

He went on to say that if smoking is wanted to be done away with in the teacher's lounge, it could be interpreted as a change in working conditions and would have to be

negotiated.

He said this bill removes an inconsistency in the school districts, as Rep Rice said we are teaching our young people the evils of smoking, drugs, and alcohol that were mandated to allow smoking in the schools and this bill merely allows us to set the example.

He said that kids on teams can tell the difference between the coaches that smoked and drank on the trips and the ones that did not. They set examples for kids.

He pointed out that this bill leaves the decision up to the locally elected school boards and clarifies an inconsistency in the Clean Indoor Air Act.

He said there were people who felt this was a pro choice bill. He said he did not think that we should be making people's choices for them and he disagreed that this is a pro choice bill. He felt that morals were not being legislated here, what is being done is to try to allow a good example to be set for children in school in the appropriate setting, which is on the school premises.

He urged the committee's support.

MIGNON WATERMAN (See Exhibit #2)

DR. KAREN LANDERS, Pediatrician from Helena (See Exhibit #3)

ROSETTA KAMLOWSKY (See Exhibit #4)

TONI JENSON (See Exhibit #5)

ERIC FEAVER, of the MEA, stated that they rise in support of HB 346 as amended. He said that if the committee does not adopt the amendment it is the MEA's contention that the title and text are inconsistent with each other and indeed, regardless of what the title says, the text without the amendment would allow a school district to become completely smoking. Not only would this eliminate the opportunity for the non smoking teachers to have a smoke free lounge but the entire school district would allow smoking at will. So he stated it is necessary to bring the amendment into the text of this bill and in this sense these amendments if adopted makes them support HB 346.

EARL THOMAS (See Exhibit #6).

MARY HANSEN, an occupational health nurse in the Helena area, urged a do pass consideration for several reason many of which have already been stated. An important one she said is that the opportunities important to provide for and allow employers in school areas to be tobacco free. Employers she said should be more concerned about their responsibility to provide a safe and healthy work environment. for employees to be especially true in the business she works for and legislation should allow a school to be tobacco free. Sometimes the only feasible option is to declare an area smoke free. Accommodating both smokers and non smokers can be very expensive and usually turn out to be cast prohibitive.

As Chairman of the Rocky Mountain Tobacco Free Challenge she seated that they are trying to affect the morbidity and morality of our future population in Montana by the year 2000. She said by doing this, this should affect the way children think about tobacco.

List of Testifying Opponents and What Group They Represent:

JEROME ANDERSON, Attorney, The Tobacco Institute
JOHN DELANO, Philip Morris Co.

Testimony:

JEROME ANDERSON said that the Tobacco Institute is a national organization funded by the producers and distributors of tobacco products. The function of the institute is to make appearances before legislative bodies.

He said they were concerned about this legislation and first it is good to look at the reasoning behind the existing statute and the basis upon which it was passed by the legislature and defended by those who believe its present form is proper.

He said that the Montana Clean Indoor Air Act has one set of restrictions and restrictive arrangements that could be handled by private owners of property in the manner in which they regulate smoking upon their premises. The other portion of this statute, which is particularly addressed by this bill, addresses the handling of the smoking problem within buildings, funded by public moneys which include in many instances tobacco tax money that are used to maintain not only the maintenance of buildings from the stand point of repairs but also from the stand point of construction.

He said they believe that since public tax moneys are used to sustain these building facilities the general public has

a right to have a say with regard to the manner in which certain functions are conducted within the building.

He said that those that support the bill would have you view this situation as being only to allow the school district to avoid seeing children go out into the halls of school buildings where tobacco smoke wreaks down through the halls. He said he doubts that there are any school buildings in the state of Montana today where a school child can walk out of a school room into the hall and see someone there standing and smoking.

The basis of the present statute is to simply provide a facility where the teachers and adult employees of the school can find a place to smoke. He submitted to the committee that if the school districts desire to cooperate in this regard, it is not excessively expensive for them to do so.

He said he has represented management for forty years in the practice of law and labor negotiations and he said he can certainly attest that the establishment of any regulation that completely bans smoking facilities on school grounds will lead to collective bargaining agreements. Custom and usage under the existing collective bargaining agreement has allowed some form of location within the school facility for those particular members of the school teacher's union that smoke. If this is taken away from them, an employee's right is being taken away and this would certainly become an issue for bargaining.

He added that they would like to make a standing offer to any school district with regard to the air quality within the school building. They can make available to any school district a study by a certified and recognized international group of people who will come in and analyze the air quality within the school. He said he was confident that the school district would see that they have many more problems with air quality than that associated with tobacco.

He said it is impossible to set up a perfect society in which to live and to find a perfect habitat. He said we must all try to do as well as we can to give the opportunity and yet recognize each others rights.

He said they were not asking that a tobacco facility be set up in a school building that allows rampant smoking throughout.

He urged a do not pass on HB 346.

JOHN DELANO said he had several people call concerning this bill who like to attend basket ball games, PTA meetings, exhibits, concerts and other public function in the schools. He said they feel this is unreasonable that during half time of a basketball game a person can not go out in the hall to a designated area and have a cigarette.

He said he thought the present law is adequate and there is no need for HB 346.

Questions From Committee Members:

Senator Hammond said that he had been at a basketball tournament in Glasgow and there were people standing outside smoking in ten below weather. These people approached him wondering when this "law" came into effect. He said he told them there was no such law, but there was bill but not a law. He wondered if this would be included in a bid for a tournament.

Bruce Moerer pointed out that the bill leaves the choice where it should be and that is with the locally elected officials. If folks have a complaint they should take them to their trustees to get the policy reverted.

He added that there are districts that are getting conflicting opinions as to whether or not they can have smoking at half time.

Senator Farrell ask if there was a possibility that we would start electing school board trustees based on their policy on smoking.

Mr. Moerer replied that he hoped not but people have an opportunity to give input and have a chance to review their policies. He said he did not think though, that this was a big enough issue to impact an election.

Senator Brown referred to lines 15 and 16 of the bill "...except a school district..." He wondered if we accept the amendment if this includes the community colleges, as it is defined in this section.

Mr. Moerer replied that the intent was to make it applicable only to school districts, K-12. The amendment may need to say "...except a school facility..." The word "district" should not have been stricken to make this more clear.

Senator Brown said that the reason he asked was that he was contacted by a representative of the student council at the

Flathead Valley Community College and apparently they are in the process of building a new campus and they have voted to recommend to the board of trustees, to have a tobacco free school.

Mr. Moerer suggested that this would have to be designated to apply also to community colleges.

Senator Blaylock stated that there has been a tremendous increase of smoking by school kids across the country and in Montana. This is not because of the law because people have been made aware through education since the 1950s. He ask why there should be a law and pretend that this will make kids stop smoking. This will not happen.

Mr. Moerer said that he agrees but he thinks there is a big difference where teachers are setting an example for students.

Senator Blaylock asked if any one was bothered by the fact the tobacco is taxed then we use these taxes to build public buildings and then require that there is no smoking in these buildings.

Mr. Moerer replied that this does not bother him because if we are successful in the education process, we will be losing this source of revenue anyway.

Closing by Sponsor:

REPRESENTATIVE RICE summarized the issues by saying that first from the tobacco people it was heard that all this money is being paid to the tobacco taxes and the public should have the right to say. This, he said, is what this bill does. Right now the local governments do not have a right to say, it is mandated by state law, that there has to be smoking and non smoking areas. Under the laws it is strictly written that we do not have the right to make people stand in the cold to smoke, as they had to in Glasgow. This law is asking for a local option giving the people the right to decide how they want to do it at their schools.

He went on to say that the Tobacco Institute said that we can not develop a perfect society, but if we can not attempt to make it a better society then none of this would probably show up.

He concluded by telling the following story, "When he was a little lad, he had an older gentlemen who was a friend and he used to spend some time with him and he gave him advice

about life and I ask him one day if he thought I should smoke. He said young man you can't smoke, it is the cigarette that smokes, you're just the sucker." Rep. Rice said he will remember this story for the rest of his life. He suggested that if this man had pulled out a cigarette and started smoking it, his words would have meant very little and this is the whole issue of this bill. This is an education issue.

He said that if we are not going to give people the right to decide, throw out the efforts and the money we spend teaching kids not to smoke. If the effort is going to be undertaken, then lets give them the option of educating by example and saying we will not smoke on school premises.

He urged a do concur motion on this bill with the amendment.

HEARING ON HB 20

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAVE BROWN, House District #72, stated that he was here in very strong support of HB 20. This is the fifth session he has been here and he finally got this bill out of the House.

He said what this bill does is very simple, it required Montana to have kindergartens. (See Exhibit #1) He passed out a current fiscal note that accurately reflects the way it is in Montana for kindergartens.

He went on to say that kindergartens today are not the play schools they were ten years ago. They are the beginning education for students in reading and mathematics. They are an academic environment. There of course is adjustment time and social time, but they have some real impact on the academic progress of students.

He pointed out that this bill does not change the mandatory age of dependents or children in Montana who go to school. This age is still age 7. This means that if a family is out in the country side in a rural area or in a city where this applies, the child still does not have to be sent. This bill does not affect this ruling.

The fiscal note says that 95% of Montana school districts offer kindergartens, in fact he said it is 97% of the children in Montana attend kindergarten. Under separate statute, Montana law already allows for ANB application for students.

SENATE JOURNAL
EXHIBIT NO. 1
DATE 3-3-89
PAGE NO. HB 346

AMENDMENT TO HB 346
THIRD READING

Page 1, lines 15 and 16

Following: "school"

Strike: "district,"

Insert: "facility designated as tobacco-free by a local
Board of Trustees,"

Page 2, line 2

Following: "facilities."

Strike: ". ""

Insert: "designated as tobacco-free by a local Board of
Trustees."

WITNESS STATEMENT

SENATE EDUCATION

EXHIBIT NO. 2NAME: Mignon WatermanDATE: 3/23/89
BILL NO. HB 346ADDRESS: 530 Hazelgreen, HelenaPHONE: 442-8648REPRESENTING WHOM? Helena School District #1 Bd. of Tr.APPEARING ON WHICH PROPOSAL: HB 346DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: The Helena School Trustees would like
to be able to designate some buildings as
"Tobacco Free". We were forced to spend
funds to remodel a teacher's lounge to
provide a second teachers' lounge to meet
the provisions of this statute.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY FOR THE SENATE EDUCATION COMMITTEE

Support HB 346 Exempt School Districts from Requirement to
Provide Smoking Areas

Name: Karen Landers, MD, Pediatrician from Helena

Representing: Montana Council for Maternal and Child Health

The Montana Council for Maternal and Child Health represents hundred of health care professionals serving Montanans including family physicians, OB/Gyn physicians, pediatricians, school school nurses, and OB/Gyn nurses. Because the Council's primary concern is assuring the health of Montana mothers and children with particular emphasis on prevention of disease, we support the exemption of school districts from the requirement to provide smoking areas.

Smoking is recognized as a significant health hazard. It has been linked to the development of cardiovascular disease and cancer. It is appropriate to provide education to our school children on the health risks of the smoking habit, and many schools in fact do present information on this and other substance use. It is also appropriate to model healthy behaviors to encourage children to practice what they have learned. Exempting school districts from providing smoking areas will reduce the conflicting messages that children receive on choosing healthy behaviors such as not smoking.

There may also be a benefit to the adults. Reducing or stopping smoking patterns is second only to the wearing of safety restraints in motor vehicles in return of dollar investment made in health promotion interventions over a working lifetime.' A return of \$15.26 for every dollar invested in decreasing smoking

has been estimated. As advocates for health and prevention, we strongly urge your do pass recommendation on HB 346.

References

*Michigan Dept. of Management and Budget, 1987.

health promotion

WITNESS STATEMENT

SENATE EDUCATION

EXHIBIT NO. 4

NAME:

Rosella Lamlosky

DATE:

3-3-89
HB 346

ADDRESS:

919 Stuart Helena

PHONE:

REPRESENTING WHOM?

American Cancer Society

APPEARING ON WHICH PROPOSAL:

HB 346

DO YOU: SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

The American Cancer Society with
great concern, requests you pass this
Bill making school areas smoke-free.
The Bill Banning the Sale of tobacco
to minors was killed in Committee making
this Bill one of our last attempts to
protect our youth from the drug nicotine

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TAKING AIM ON TOBACCO

Rocky Mountain Tobacco Free Challenge

MONTANA
ARIZONA
COLORADO
NEW MEXICO
N. DAKOTA
S. DAKOTA
UTAH
WYOMING



Testimony on House Bill 346

Mr. Chairman and members of this committee. I am Toni Jensen, coordinator of the Rocky Mountain Tobacco Free Challenge, a federally funded program operated by the State Department of Health and Environmental Sciences.

I am here today to speak on behalf of HB 346. I think this is an important piece of legislation because all children deserve the right to be educated in a smoke-free environment.

As role models for our next generation of adults, we must take a stand and give a strong message to youth about positive health responsibility. This bill takes an important step in that direction.

We have known for many years that involuntary smoking is extremely dangerous to non-smokers. This is the reason we are so concerned about setting limits for smoking at school facilities. We must speak on behalf of the children and take steps such as these to safeguard them from this easily preventable public health hazard.

House Bill 346 effectively and simply provides for those interested in designating school facilities completely smoke-free, an opportunity to do so.

I urge you to support House Bill 346.

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AMERICAN LUNG ASSOCIATION OF MONTANA

Christmas Seal Bldg. — 825 Helena Ave.
Helena, MT 59601 — Ph. 442-6556

EARL W. THOMAS
EXECUTIVE DIRECTOR

SENATE EDUCATION

EXHIBIT NO. 6

DATE 3-3-89

FILE NO. HB346

HB 346

MR. CHAIRMAN & MEMBERS OF THE COMMITTEE:

MY NAME IS EARL THOMAS AND I AM THE DIRECTOR OF THE AMERICAN LUNG ASSOCIATION OF MONTANA.

WE SUPPORT HOUSE BILL 346 BECAUSE IT WILL CLARIFY THE MONTANA CLEAN INDOOR AIR ACT SO THAT SCHOOLS WILL HAVE THE OPTION OF BEING SMOKE-FREE.

I CAN NOT BELIEVE THAT ANY OF THE LEGISLATORS WANT SCHOOLS TO BE REQUIRED TO PROVIDE A SMOKING AREA IN THE SCHOOL.

THIS PROBLEM FIRST BECAME APPARENT WHEN WE STARTED A PROGRAM TO RECOGNIZE SCHOOLS THAT HAD CHOSEN TO BE TOBACCO-FREE AND FOUND OUT THAT SEVERAL SCHOOLS WERE AFRAID TO BECAUSE OF THE LANGUAGE IN THE CLEAN INDOOR AIR ACT.

PLEASE GIVE HOUSE BILL 346 A "DO PASS" SO THAT SCHOOLS CAN CHOOSE TO BE SMOKE-FREE.

COMMITTEE ON

DATE

1-3-89

Education (1:00 MWF)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
BILL PRICKETT	MT. School For Deaf/Blind	HB344	✓	
GEROME ANDERSON	TOBACCO INSTITUTE	HB 346		✓
JOHN DELANO		346		✓
Tom Jase	Tobacco Challenge	HB 346	✓	
Jack Cooper	OPZ	346	✓	
Karen Sanders MD	Montana Council for Maternal and Child Health	346	✓	
CHAP EDMANN	local Council	HB 20		X
Clarence H. Mott	Board of Public Ed	HB 344 HB 20	✓	
Bruce W. Moore	MSBA	HB 346	✓	
Bruce W. Moore	MSBA	SUPPORT only HB 20 if action 1. For		✓
Carol Mashier	Mt. Battle Women	HB 20		✓
Kay Norenberg	WIFE	HB 20		✓
Dave Brown	HO #72 - sponsor	HB 20	✓	
Koretta Kambury	HB 346 - Ph. Cancer Soc.	HB 346	✓	
Miguel Waterman	Helena School Dist. #1	HB 346	✓	
Ruth O'Halloran	Mont. Federation of Teachers	HB 20	✓	
3 J Wood	AUW	HB 20	✓	

(Please leave prepared statement with Secretary)

Recommendation and Vote:

Senator Mazurek moved that HB 332 be concurred in as amended.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Senator Brown will carry HB 332 to the floor of the Senate.

DISPOSITION OF HB 346

Amendments and Votes:

Senator Brown moved the amendment to HB 346 stating that the reason for the amendment (See Exhibit #1) was that he had been contacted by people from the Flathead Valley Community College, who wanted to make their new campus tobacco free. If the board of trustees chooses to do this, the community colleges want to be included in this bill.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Mazurek moved HB 346 to be concurred in as amended.

THE MOTION CARRIED 6 TO 3.

DISPOSITION OF HB 455

Discussion:

Chairman Hammond explained that HB 455 dealt with the mandatory tuition approval for elementary pupils to attend nearest school.

Dave Cogley said that he talked with Bruce Moerer who explained that this bill could have an impact on a district's ability to pay tuition if there was a whole family taking advantage of the proposal. In an elementary school the only way that a sending district can raise the tuition is by a local voted levy and if they are already up against the 105 cap this could present problems.

Senator Blaylock asked if this bill was really needed.

EDUCATION

COMMITTEE

54th LEGISLATIVE SESSION -- 1989

Date 3-10-89

NAME	PRESENT	ABSENT	EXCUSED
<u>Chairman Swede Hammond</u>	✓		
<u>Vice Chairman Dennis Mathe</u>	✓		
<u>Senator Chet Blaylock</u>	✓		
<u>Senator Bob Brown</u>	✓		
<u>Senator Dick Pinsoneault</u>	✓		
<u>Senator William Farrell</u>	✓		
<u>Senator Pat Regan</u>	✓		
<u>Senator John Anderson Jr.</u>	✓		
<u>Senator Joe Mazurek</u>	✓		

Each day attach to minutes.

Amendments to House Bill No. 346
Third Reading Copy

For the Committee on Education

Prepared by Dave Cogley
March 6, 1989

1. Title, line 5.

Following: "DISTRICT"

Insert: "OR COMMUNITY COLLEGE DISTRICT"

Following: "SCHOOL"

Insert: "OR COMMUNITY COLLEGE"

2. Title, line 6.

Following: "DISTRICTS"

Insert: "AND COMMUNITY COLLEGE DISTRICTS"

3. Page 1, line 16.

Strike: "district"

Insert: "or community college facility designated as tobacco-free
by the board of trustees of the school district or community
college district"

4. Page 2, line 2.

Following: "facilities"

Insert: "designated as tobacco-free by the board of trustees of
the school district;

(5) community college buildings or facilities
designated as tobacco-free by the board of trustees of the
community college district"

SENATE STANDING COMMITTEE REPORT

March 13, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 346 (third reading copy -- blue), respectfully report that HB 346 be amended and as so amended be concurred in:

Sponsors: Rice (Hazurek)

1. Title, line 5.

Following: "DISTRICT"

Insert: "OR COMMUNITY COLLEGE DISTRICT"

Following: "SCHOOL"

Insert: "OR COMMUNITY COLLEGE"

2. Title, line 6.

Following: "DISTRICTS"

Insert: "AND COMMUNITY COLLEGE DISTRICTS"

3. Page 1, line 16.

Following: line 15

Insert: "or community college facility designated as tobacco-free by the board of trustees of the school district or community college"

4. Page 2, line 2.

Following: "facilities"

Insert: "designated as tobacco-free by the board of trustees of the school district;

(5) community college buildings or facilities designated as tobacco-free by the board of trustees of the community college district"

AND AS AMENDED BE CONCURRED IN

Signed: H. W. Hammond
H. W. Hammond, Chairman